

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JASON B. NICHOLAS,

Plaintiff,

v.

8:23-CV-0463
(GTS/CFH)

BASIL SEGGOS, Commissioner, NYS DEC;
GAYE SOMOGIE, Licensed Guide Program
Coordinator, NYS DEC; and JOSEPH THERRIEN,
Licensed Guide Program Coordinator, NYS DEC;

Defendants.

APPEARANCES:

JASON B. NICHOLAS
Plaintiff, *Pro Se*
86 Duane Street
Malone, New York 12953

GLENN T. SUDDABY, United States District Judge

OF COUNSEL:

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Jason B. Nicholas (“Plaintiff”) against the above employees of the New York State Department of Environmental Conservation (“Defendants”), is United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that (1) the claims in Plaintiff’s Amended Complaint asserted against Defendants in their official capacities (insofar as Plaintiff is seeking monetary damages) be dismissed with prejudice (and without prior leave to amend), and (2) Plaintiff’s remaining claims be permitted to proceed for now. (Dkt. No. 14.) Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket

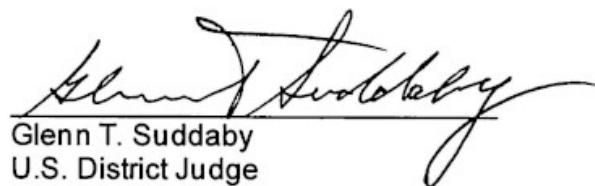
Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation (Dkt. No. 14), the Court can find no clear error in the Report-Recommendation.¹ Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 14) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED that the claims asserted in Plaintiff's Amended Complaint (Dkt. No. 10) against Defendants in their official capacities insofar as Plaintiff seeks monetary damages are **DISMISSED** with prejudice; and it is further
ORDERED that the remaining claims in Plaintiff's Amended Complaint (Dkt. No. 10) **SURVIVE** the Court's initial review and are permitted to proceed for now.

Dated: October 24, 2023
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).